

### **REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated March 13, 2007 has been received and its contents carefully reviewed.

Applicant's representative thanks the Examiner for speaking with the Applicant's representative on May 11, 2007. The substance of that conversation is set forth below and constitutes a record of that conversation.

Claims 1, 4, 6, 9, 15, 17, 19, and 21-27 are amended and claims 2-3, 5, 7-8, and 10 have been previously canceled. Accordingly, claims 1, 4, 6, 9, and 11-27 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

Claims 1, 6, and 11-27 are provisionally rejected under obviousness-type double patenting over claims 21, 22, and 26 of copending application No. 11/075,928. Claims 1 and 6 are provisionally rejected under obviousness-type double patenting over claims 1 and 8 of copending application No. 11/075,944. Without agreeing or acquiescing to the provisional rejections, Applicant will address the provisional rejections if it is the only issue remaining in a subsequent action.

Claims 9 and 22 are objected to based on formal matters. Claims 9 and 22 have been amended to obviate the objection.

Claims 26 and 27 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 26 and 27 have been amended as indicated in the Office Action to obviate the rejection. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1, 4, 6, 9, and 11-27 are rejected under 35 U.S.C. §103(a) as being obvious over Program Guide for Digital Television ATSC Standard A/65 ("ATSC") in view of U.S. Patent No. 6,658,661 to Arsenault ("Arsenault") and U.S. Patent No. 5,077,828 to Waldroup ("Waldroup"). Applicant respectfully traverses the rejection for the following reasons.

Claims 1 and 6 recite, among other features, a uniform issuance interval set for the ETTs is greater than a issuance interval set for an EIT nearest to the current time. Claims 19 and 21 recite, among other features, a uniform transmission cycle set for ETT-0, ETT-1, and ETT-2 is greater than a transmission cycle set for EIT-0. Claims 22 and 23 recite, among other features, issuance intervals set for an ETT0, ETT1, and ETT2 are greater than an issuance interval set for an EIT0. Claims 24 and 25 recite, among other features, the transmission cycles set for ETT0, ETT1, and ETT2 are greater than a transmission cycle set for EIT0. Claim 26 recites, among other features, a uniform period set for the ETTs is greater than a issuance period set for an EIT nearest to the current time. Claim 27 recites, among others, transmission cycles set for ETT0, ETT1, and ETT2 are greater than a transmission cycle set for EIT0.

None of the references, individually or combined, teaches or suggests the above-noted features of the claims.

The Office Action, in various pages, for example, page 17, page 23, and page 27, acknowledges that ATSC does not teach or suggest the above-noted features of the claims.

The Office Action, however, alleges that Arsenault, for instance, at col. 7, lines 23-67, discloses a carousel arrangement where the program guide data for time periods in the near future is transmitted more frequently than the program guide data for later time periods. See, for example, the Office Action at pages 17-18, 23-24, and 27-28. The Office Action then associates the program guide data with the claimed EITs. The Office Action further alleges that Waldroup, for instance, at col. 7, lines 45-60, discloses sending table data at periodic intervals. The Office Action then associates the table data with the claimed ETTs. See Office Action at page 18, 25, and 29.

While Applicant does not necessarily agree with the Office Action's allegations, for sake of argument, even if the Office Action's allegations were to be adopted, the combined teaching of ATSC, Arsenault, and Waldroup would still fail to teach or suggest the above-noted features of claims.

First, as mentioned in the May 11 conversation, the combined teaching of ATSC, Arsenault, and Waldroup fails to teach or suggest an issuance interval relationship between the ETTs and the EITs.

Next, even if the program guide data corresponds to the EITs, Arsenault, in Fig. 5 and col. 7, lines 23-49, teaches that the first carousel broadcast program guide data is repeated every 5 minutes. The second carousel broadcast program guide data is repeated every 30 minutes.

Waldroup teaches that the frequency allocation table are periodically repeated at relatively short intervals, i.e., every ten seconds. Waldroup teaches that such short intervals are desirable because any transceivers with incorrect information can quickly be updated with the correct information. See col. 7, lines 45-60.

As such, Waldroup teaches away the recitation of the following claims: A uniform issuance interval set for the ETT is greater than an issuance interval set for an EIT nearest to the current time, as recited in claims 1 and 6. A uniform transmission cycle set for ETT-0, ETT-1, and ETT-2 is greater than a transmission cycle set for EIT-0, as recited in claims 19 and 21. Issuance intervals set for ETT0, ETT1, and ETT2 are greater than the issuance interval set for EIT0, as recited in claims 22 and 23. Transmission cycles set for ETT0, ETT1, and ETT2 are greater than a transmission cycle set for EIT0, as recited in claims 24 and 25. A uniform period set for the ETTs is greater than the issuance period set for an EIT nearest to the current time, as recited in claim 26. Transmission cycles set for ETT0, ETT1, and ETT2 are greater than the transmission cycle set for EIT0, as recited in claim 27. Nowhere does the combined teaching of ATSC, Arsenault, and Waldroup teach or suggest the above-noted features of claims 1, 6, 19, and 21-27. Accordingly, the combined teaching of the references fail to disclose or suggest all the features of claims 1, 6, 19, and 21-27.

Accordingly, claims 1, 6, 19, and 21-27 recite patentable subject matter. Claims 11-18 and 20 are at least allowable by virtue of their dependency from the respective independent claims.

Amdt. dated May 14, 2007

Reply to Office Action dated March 13, 2007

Regarding claims 4 and 9, these claims have been amended as suggested during the December 19, 2006 personal interview, and Applicant respectfully submit that these claims recite patentable subject matter.

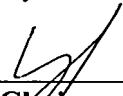
The amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: May 14, 2007

Respectfully submitted,

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